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Fifth Committee

Agenda items 133 and 123

Administration of justice at the United Nations

Programme budget for the biennium 2004-2005

**Letter dated 14 October 2005 from the President of the
General Assembly addressed to the Chairman of the
Fifth Committee**

I have the honour to transmit to you herewith, for consideration and action, as appropriate, by the Fifth Committee, a letter dated 21 July 2005 from the President of the United Nations Administrative Tribunal addressed to the President of the fifty-ninth session of the General Assembly.

(Signed) Jan Eliasson



Annex

Letter dated 21 July 2005 from the President of the United Nations Administrative Tribunal addressed to the President of the fifty-ninth session of the General Assembly

On 20 October 2003, the Sixth Committee decided to amend article 3, paragraph 1, of the statute of the Tribunal with effect from 1 January 2004, as follows:

"The Tribunal shall be composed of seven members, no two of whom may be nationals of the same State. Members shall possess judicial or other relevant legal experience in the field of administrative law or its equivalent within their national jurisdiction. Only three members shall sit in any particular case."

Subsequently, the Advisory Committee on Administrative and Budgetary Questions, suggested in paragraph 16 of its report (A/57/736) that, should the General Assembly accept its recommendation in paragraph 13, proposals could be made by the Secretary-General regarding compensation of the members of the Tribunal. A suggestion to this effect was included in a note by the Secretary-General dated 27 October 2004 (A/C.5/59/12), as follows:

"Should the General Assembly decide that UNAT [United Nations Administrative Tribunal] members are to be compensated in a manner comparable to ILOAT [International Labour Organization Administrative Tribunal] judges, the General Assembly may wish to consider honorariums as follows: the UNAT member drafting a judgement would receive \$1,000; the two members signing the judgement would receive \$250 for each case."

However, in its resolution 59/283, the General Assembly again decided to amend article 3, paragraph 1, of the statute of the Tribunal, with effect from 1 January 2006, requiring that "[m]embers shall possess judicial experience in the field of administrative law or its equivalent within their national jurisdiction", and decided that proposals on compensation would be submitted "once all its members meet the criteria set out in article 3 of the statute as amended in the present resolution".

The Tribunal has taken note of the new requirements and wishes to express its disappointment, particularly with that part of the decision which postpones consideration of remuneration of the members until the new criteria have been met by all. As I am sure you will appreciate, the current situation is awkward and stressful to the Tribunal as a body and to the individual members thereof. It considers that such a decision is demeaning to the present incumbents and somehow implies that they are unworthy of monetary reward. Moreover, the Tribunal considers it somewhat inconsistent that new members with "judicial experience in the field of administrative law or its equivalent within their national jurisdiction" would be better qualified and therefore more deserving of compensation than judges who have experience in *international* administrative law, that is, experience specifically required for the international administrative judicial function.

I should be grateful if you would have the present letter circulated as a document of the General Assembly under items 120 and 108 of its agenda.

(Signed) Julio **Barboza**
President
United Nations Administrative Tribunal

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